



ADMINISTRATION OFFICE  
201 NORTH FOURTEENTH STREET  
CATASAUQUA, PENNSYLVANIA 18032  
TELEPHONE: (610) 264-5571  
FAX: (610) 264-5618

ROBERT J. SPENGLER  
SUPERINTENDENT

CHRISTINA LUTZ-DOEMLING  
DIRECTOR OF CURRICULUM & ASSESSMENT

STUART WHITELEATHER  
BUSINESS MANAGER

January 9, 2006

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

Re. CC Docket No. 96-45 and Docket No. 02-6  
Appeal of Universal Service Administrative Company -Schools & Libraries Division  
Appeal Decision on Funding Request Number 1271660

To Who It May Concern,

The Catasauqua Area School District requests the Federal Communications Commission to review a recent appeal decision by USAC. We have sufficient evidence to prove that the denial of our recent appeal should be reversed. Details on our application are as follows:

Applicant Name: Catasauqua Area School District  
Billed Entity Number: 125907  
Form 471 Application Number: 462340  
Funding Request Number: 1271660

As you will see in the enclosed USAC decision letter, they indicated that the provider is still listed as ineligible in USAC's database. Upon receiving this notice, I contacted the provider and they advised that they were later advised (after my initial contact to them) that, in addition to form 499, they had to file a form 498 to complete the certification process. This has now been done. Upon doing a search of eligible Telecomm Providers on the USAC web page today, Service Electric Cable TV & Communications (SPIN #143004559) does show up as eligible - please find a printout enclosed.

The decisions of USAC (both initial and on appeal) are understandable given the paperwork issues experienced by the provider. Given the fact that the provider is now certified as eligible by USAC, as well as the fact that other schools were approved for telecommunications funding by this provider, we would hope that the FCC would see fit to approve our funding and enable our district to benefit from this valuable discount program. Our students and staff will be benefit from this decision.

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

*The mission of the Catasauqua Area School District, in partnership with our community, is to achieve educational excellence and promote life-long learning.*

The Catasauqua Area School District, an equal opportunity employer, will not discriminate in employment, educational programs, or activities, based on race, sex, handicap or because a person is a disabled veteran or a veteran of the Vietnam Era. This policy of nondiscrimination extends to all other legally protected classifications. Publication of this policy in this document is in accordance with State and Federal laws including Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973 and Title VI and VII of the Civil Rights Act of 1964. We further affirm that all curriculum offering and student enrollment practices will be handled without discrimination based on sex, race, religion, national origin, or non-job related handicaps or disabilities.

Inquiries to be directed to Superintendent, 503/504 Title 9 - Title 6 Coordinator, 201 N. 14th St., Catasauqua, PA 18032, phone (610) 264-5571

Federal Communications Commission

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January 9, 2006

Please contact me at 610-264-5571, Ext. #1 if I may be of any assistance on this matter. My e-mail address is [spenglerr@cattysd.org](mailto:spenglerr@cattysd.org)

Sincerely,

A handwritten signature in black ink that reads "Robert J. Spengler" followed by a stylized "CSD" monogram.

Robert J. Spengler  
Superintendent

RJS/sls

Enclosures

[SLD Home](#)
[Site Map](#)
[Search Site](#)
[Contact SLD](#)

## *Reference Area* - Schools and Libraries Division

Reference

### SPIN and BEAR Contact Search Results

Note to Applicants: Please check the address information to ensure you are contacting the correct Service Provider.

The absence of a "Y" in the Eligible Telecomm Provider column may simply indicate that the company has not yet been researched by the SLD to determine if it is eligible to provide telecommunications services. Applicants are reminded that they should confirm this and all other information with their Service Provider.

Page 1 of 1  
Results 1 - 6 of 6

SPIN	Service Provider Name	Contact Name	Contact Address	Contact Phone	Eligible Telecomm Provider	SPAC Filed
143004559	Service Electric Cable TV & Communications	Maryetta Buss	2260 Avenue A , Bethlehem, PA 18017	610625-8597	Y	1998 1999 2000 2001 2002 2003 2004 2005
143005173	Service Electric Cablevision, Inc.	Donald C. Brandt	1259 South Cedar Crest Blvd Suite 255, Allentown , PA 18103	610 432 2210		1998 2000 2001 2003 2004 2005
143026981	Service Electric Co., Inc.	Byron Pompeo	P.O. Box 6006 , Albuquerque, NM 87197	505-345-1955		
143007901	Service Electric Communication	Donald C. Brandt	1259 South Cedar Crest	610 432		1998

RECEIVED & INSPECTED

JAN 17 2006

PGC - MAILROOM

USAC

Universal Service Administrative Company  
Schools & Libraries Division

**Administrator's Decision on Appeal – Funding Year 2005-2006**

December 28, 2005

Robert J. Spengler  
Catasauqua Area School District  
201 North 14th Street  
Catasauqua, PA 18032-1107

JAN 3 2006

RECEIVED

Re: Applicant Name: CATASAUQUA AREA SCHOOL DIST  
Billed Entity Number: 125907  
Form 471 Application Number: 462340  
Funding Request Number(s): 1271660  
Your Correspondence Dated: November 10, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1271660  
Decision on Appeal: **Denied**  
Explanation:

- On appeal, you are requesting reconsideration of SLD's decision to deny this request because of the choice of an ineligible telecommunications service provider. In support of your appeal, you state that after receipt of the Funding Commitment Decision Letter, you contacted the service provider. The service provider stated that they had neglected to file a Form 499, which would have qualified them as an eligible telecom provider. They have since filed this form and were advised that they would now be considered eligible.
- Review of your appeal letter and all supporting documentation indicates that the above funding request was denied as the telecommunications provider you selected was deemed ineligible. Although the service provider has informed you

that they have since filed Form 499, the provider is still listed as ineligible in USAC's database.

- An Eligible Telecommunications Provider (ETP), a USAC term used for "telecommunications carrier," is an entity that provides telecommunications services, i.e., transmission services on a common carriage" basis. To be a telecommunications carrier, the carrier must (1) allow the customer to transmit information of its own design and choosing, without change in the form or content of the information, and (2) provide that capability for a fee directly to the public, or to such classes of users as to be effectively available to the public (i.e., hold itself out to serve indifferently all potential users).

USAC makes commitments for Telecommunications Services for applicants when the service provider is identified in USAC's database as an ETP; but, notwithstanding that identification, it is the service provider that is responsible for ensuring it meets these requirements in all instances of discounted telecommunications services. All telecommunications carriers are required under FCC rules to file an FCC Form 499A. By filing a Form 499A and checking at least one of the boxes on line 227, USAC may designate a service provider as an eligible telecommunication provider in its database. Since your appeal has not brought forth persuasive information that SLD has erred in its determination, your appeal is denied.

- Your Form 471 indicates that you selected a service provider that has not been designated as an eligible telecommunication carrier in the USAC database: Service Electric Cable TV and Communications. FCC regulations provide that telecommunications carriers are eligible for universal service support. 47 C.F.R. § 54.501(a). The FCC has determined that to be eligible to receive universal service support for telecommunications services, the provider must provide telecommunications services on a common carrier basis. Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, FCC 97-157 ¶ 134 (rel. May 8, 1997)

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

Robert J. Spengler  
Catasauqua Area School District  
201 North 14th Street  
Catasauqua, PA 18032-1107

Billed Entity Number: 125907  
Form 471 Application Number: 462340  
Form 486 Application Number: